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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/840,108

05/05/2004

Martin Weel

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WITHROW & TERRANOVA CT

100 REGENCY FOREST DRIVE , SUITE 160

CARY, NC 27518

EXAMINER

DAFTUAR, SAKET K

ART UNIT

PAPER NUMBER

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/840,108	Applicant(s) WEEL, MARTIN	
	Examiner SAKET K. DAFTUAR	Art Unit 2451	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 16 August 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 11-18,31,32,34-44 and 50-56.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☐ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
12. ☒ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). 08/12/2010
13. ☒ Other: See Continuation Sheet.

/S. K. D./
Examiner, Art Unit 2451

/KAMAL B DIVECHA/
Primary Examiner, Art Unit 2451

Continuation of 13. Other: Applicant assigned representative mostly concerns are related to the entry of proposed amendment where applicant has changed "local realm" to "realm" only by deleting the term "local". Based on examiner interpretation, the proposed amendment will be entered.

a). Applicant arguments that neither Johnson nor Pierre teaches or suggests identification by a device of a local realm, user selection of the local realm, transmission of a password associated with the local realm; or a list of device identifiers that is provided after transmission of the password.

In response to applicant's arguments a), examiner respectfully reminds applicant that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "a list of device identifiers that is provided after transmission of the password.", i.e., providing a list of device identifier after transmission of password is not recited in the claims) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

As such examiner considers the following combination of Johnson and Pieere where Johnson is directed to a transmission of situation location information from a server data processing to a receiving data processing whereas the delivery event associated with a current positional attribute of the receiving data processing system. See below:

"Provided is transmission of situational location dependent information from a server data processing system to a receiving data processing system. The server data processing system communicates with the receiving data processing system in a manner by pushing content when appropriate. A candidate delivery event associated with a current positional attribute of the receiving data processing system is recognized and a situational location of the remote data processing system is determined. The candidate delivery event may be a location and/or direction change, device state change, or movement exceeding a movement tolerance. The situational location of the remote data processing system may be its location, direction, location and direction, proximity to a location, state change, or location and/or direction relative to a previous location and/or direction, or combinations thereof. A set of delivery content from a delivery content database is transmitted from the server data processing system to the receiving data processing system according to the situational location of the receiving data processing system, and according to delivery constraints. The delivery content is configurable by authorized administrators on an instant activation basis for proactive delivery." (Abstract)

In another word, Johnson teaches network communication, one must identify location of the communicating device from plurality of devices from network or networks or plurality of computer networks. In network communication, the person skilled in the art would clearly recognize such device identification when communication is established. see figure 1 and 6 for more detail where Johnson has disclosed locating physically connected device, whether or not such device is part of the network and determining their network address based on their current location (see column 12, line 49 - column 13, line 15) and briefly discloses identifying a device that is member of the realm in response to transmitting the password. In other word, identifying a device after being authenticated or authorized, not transmitting a list of device identifier.

Examiner considers that, as per claim 11, Johnson discloses broadcasting a signal [see figure 5A-5B, see column 12, lines 12-41] from the first device [controller, server, administrator, communicating with wireless devices via the base stations, see column 8, lines 6-65] operative to be received by one or more second devices, (see figures 14, column 21, line 17 - column 23, line 39, deliverable content list based on id, see administrator selected to list his deliverable content database record, then the deliverable content database is searched using the administrator's authorization id against the authorization id field, see column 6, line 55 - column 7, line 41, see figures 1-6) from the one or more second devices; receiving, at the first device, at least the identifier from the one or more second devices in response to the request (see column 6, line 55 - column 7, line 41, see figures 1-6); receiving, at the first device, at least one desired location identifier from the at least one location identifier received from the one or more second devices in response to the signal (see figure 5A-5B, see column 12, lines 12-41, the cell controllers selects the strongest signal and extract unique identifier from the return signal); transmitting from the first device a password [administrator's authorization ID, whereas authorization ID for example could be a password for user identifier (see column 14, line 18-32), searched in deliverable content database records against the authorization ID field discloses that each content is transmitted to database with administrator or controller authorization ID] associated with one desired location identifier (see figure 14, column 22, line 30 - column 23, line 17) in response to the user input; and in response to transmitting the password associated with the at least one desired location identifier (see column 14, line 18-32), receiving at the first device at least one device identifier identifying a device associated with the identifier (see figure 14, column 22, line 30 - column 23, line 17).

However, Johnson is silent about identifying a local realm of which the receiving or transmitting device is a member.

Pierre teaches identifying a local realm or realm [local area network, local realm, examiner considers Pierre disclosure of "multiple network attached devices being identified by the remote control device. After Identification of the network attached device, the remote control device dynamically learns the codes of the identified network attached device through a sequence of protocol defined request and response

message.”] of which the receiving or transmitting device is a member (see column 4, line 25 – column 5, line 32, column 8, line 55 -column 10, line 50).

Pierre on the other hand is directed to identify available network to attached communicating devices.

“The illustrative embodiment facilitates multiple network attached devices 10 being identified by the remote control device 4. After identification of the network attached device 110, the remote control device 4 dynamically learns the command codes of the identified network attached device through a sequence of protocol defined request and response messages. Once the remote control device 4 has received the codes for the network attached device 10, a user of the remote control device is able to select a device from among those devices that have been identified, and issue commands to that network attached device.”

Therefore, it would have been obvious to one having ordinary skilled in the art at the time the invention was made to combine the teachings of Pierre into Johnson to provide an efficient mechanism that provides broadcasting transmission of signal information from a server data processing system to a receiving data processing system whereas the server data processing system correctly identifies the device in a network and efficiently communicates with the receiving data processing system by pushing proactive delivery content that recognizes and identifies the requesting device.

As per claims 31, 41 and 50, Claims 31, 41 and 50 are method claim of claim 11. Therefore claims 31, 41 and 50 are rejected under same scope as discussed in claim 11, supra.

As per claim 56, Johnson discloses the local realm is a wireless local area network (see column 6, line 55 – column 7, line 41, wireless device communicates through a wireless connection with controller in a cellular network cluster).

b). Examiner take this opportunity to notify applicant that IDS submitted on August 12th, 2010 has been considered and entered.

/S. K. D./

Examiner, Art Unit 2451